

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

RINLY R. GECOSALA, M.D.

Holder of License No. 27229
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-09-0356A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Rinly R. Gecosala, M.D. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

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9 RINLY R. GECOSALA, M.D.

DATED: 6/3/77

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 27229 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-09-0356A after Board Staff conducted
7 a chart review pursuant to a May 11, 2005 Board Order. Two patient charts were randomly
8 selected from Respondent's patient log for review and deviations were found in one.

9 4. From January 2008 through August 2008, a forty-five year-old female patient
10 ("SS") saw Respondent repeatedly for depression, fatigue, alcoholism, menopausal
11 symptoms and multiple pain complaints. Respondent ordered several lab studies for SS's
12 various complaints, including B12 and folate levels that were reported as normal. However
13 over the course of treatment, Respondent administered several B12 injections to SS for
14 complaints of fatigue. There was no documented evaluation prior to administering the
15 injections and Respondent's progress notes often contained the exact same review of
16 symptoms documented in prior notes. Additionally, in June 2008, Respondent
17 administered five 1,000 mcg intramuscular (IM) B12 injections to SS for documented
18 neuropathy and deficiency even though SS's B12 and folate levels were reported as
19 normal. Further, the injected dosages were well above the usual maintenance of treatment
20 of 1,000-mcg injection per month.

21 5. On August 12, 2008, SS presented to Respondent complaining of attention
22 deficit, an inability to complete tasks and forgetfulness. Respondent included a new onset
23 of Attention Deficit Disorder (ADD) in his assessment and prescribed Vyvanse. There was
24 no documented evaluation prior to prescribing the medication. Specifically, there was no
25 noted review of SS's developmental history or an assessment of her attention,

1 concentration, distractibility, short-term memory, other psychiatric disorders or substance
2 abuse.

3 6. When a middle-aged patient with a history of depression, alcohol abuse and
4 frequent physician visits for multiple somatic complaints presents with a self-diagnosis of
5 ADD based on new symptoms, the standard of care requires a physician to further
6 evaluate the patient prior to providing stimulant medication for a diagnosis of ADD.

7 7. Respondent deviated from the standard of care because he did not evaluate
8 SS further prior to providing stimulant medication for a diagnosis of ADD.

9 8. There was potential for misdiagnosis of ADD, to ascribe symptoms of
10 worsened depression or another psychiatric disorder to ADD, to miss progression of
11 alcoholism and other chemical dependency and a potential abuse of the prescribed
12 amphetamine. Documentation that IM Vitamin B12 was given for Vitamin B12 deficiency
13 and neuropathy could potentially contribute to propagation of this error by a subsequent
14 provider.

15 9. A physician is required to maintain adequate legible medical records
16 containing, at a minimum, sufficient information to identify the patient, support the
17 diagnosis, justify the treatment, accurately document the results, indicate advice and
18 cautionary warnings provided to the patient and provide sufficient information for another
19 practitioner to assume continuity of the patient's care at any point in the course of
20 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did
21 not document an evaluation prior to administering medications, his progress notes
22 contained the exact same review of symptoms documented in prior notes, and he
23 documented prescribing B12 for deficiency even though SS's B12 levels were reported as
24 normal.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401 (27)(e) ("[f]ailing or refusing to maintain adequate
6 records on a patient.") and A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or
7 might be harmful or dangerous to the health of the patient or the public.").

8 ORDER

9 IT IS HEREBY ORDERED THAT:

10 1. Respondent is issued a Letter of Reprimand.

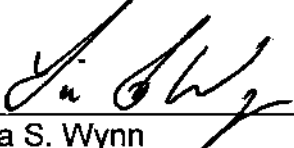
11 2. This Order is the final disposition of case number MD-09-0356A.

12 ORDER IS EFFECTIVE this 5TH day of AUGUST, 2009.



ARIZONA MEDICAL BOARD

By

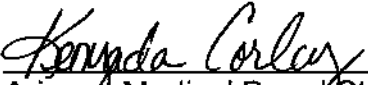

Lisa S. Wynn
Executive Director

17 ORIGINAL of the foregoing filed
18 this 6 day of August, 2009 with:

19 Arizona Medical Board
20 9545 E. Doubletree Ranch Road
21 Scottsdale, AZ 85258

22 EXECUTED COPY of the foregoing mailed
23 this 6 day of August, 2009 to:

24 Rinly R. Gecosala, M.D.
25 Address of Record


Arizona Medical Board Staff